

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPIWCCF-18-109 ARP# COMPLAINT

(Last Name) (Identification Number)

Scott L1786

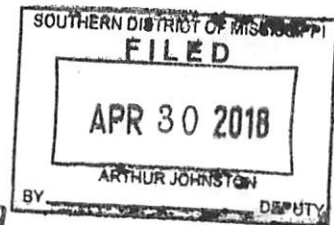
(First Name) (Middle Name)

Janicholas Van Keith

(Institution)

WCCF P.O. BOX 1889 Woodville, MS 39669

(Address)

(Enter above the full name of the plaintiff, prisoner, and address
plaintiff in this action)

V.

CIVIL ACTION NUMBER:

5:18cv44-DOB MTP
(to be completed by the Court)Management TrainingCorporation WCCF P.O.Box 1889 Woodville, MS 39669- WCCF-Medical

(Enter above the full name of the defendant or defendants in this action)

OTHER LAWSUITS FILED BY PLAINTIFF

NOTICE AND WARNING:

The plaintiff must fully complete the following questions. Failure to do so may result in your case being dismissed.

- A. Have you ever filed any other lawsuits in a court of the United States? Yes () No (✓)
- B. If your answer to A is yes, complete the following information for each and every civil action and appeal filed by you. (If there is more than one action, complete the following information for the additional actions on the reverse side of this page or additional sheets of paper.)
- Parties to the action: N/A
 - Court (if federal court, name the district; if state court, name the county): N/A
 - Docket Number: N/A
 - Name of judge to whom case was assigned: N/A
 - Disposition (for example: was the case dismissed? If so, what grounds? Was it appealed? Is it still pending?): N/A

PARTIES

(In item I below, place your name and prisoner number in the first blank and place your present address in the second blank. Do the same for additional plaintiff, if any).

I. Name of plaintiff: Janicholas V. Scott Prisoner Number: L1786

Address: P.O. Box 1889 Woodville, MS 39669

Wilkinson County Correctional Facility

(In item II below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use the space below item II for the names, positions, and places of employment of any additional defendants.)

II. Defendant: Management Training Corporation % Jody Bradley is employed as
Warden at Wilkinson

County Correctional Facility P.O. Box 1889 Woodville, MS 39669

The plaintiff is responsible for providing the court the name and address of each plaintiff(s) as well as the name(s) and address(es) of each defendant(s). Therefore, the plaintiff is required to complete the portion below:

PLAINTIFF:

NAME:

Janicholas V. Scott #L1786

ADDRESS:

Wilkinson County Correctional Facility
P.O. Box 1889 Woodville, MS 39669

DEFENDANT(S):

NAME:

Officer Jackson
Officer Fleming
Officer Grinnell
Officer Wembley

ADDRESS:

WCCF P.O. Box 1889 Woodville, MS 39669
WCCF P.O. Box 1889 Woodville, MS 39669
WCCF P.O. Box 1889 Woodville, MS 39669
WCCF P.O. Box 1889 Woodville, MS 39669

WCCF-medical % Dr. Burke

WCCF P.O. Box 1889 Woodville, MS 39669

GENERAL INFORMATION

- A. At the time of the incident complained of in this complaint, were you incarcerated because you had been convicted of a crime?
Yes (✓) No ()
- B. Are you presently incarcerated for a parole or probation violation?
Yes (✓) No ()
- C. At the time of the incident complained of in this complaint, were you an inmate of the Mississippi Department of Corrections (MDOC)?
Yes (✓) No ()
- D. Are you currently an inmate of the Mississippi Department of Corrections (MDOC)?
Yes (✓) No ()
- E. Have you completed the Administrative Remedy Program regarding the claims presented in this complaint?
Yes (✓) No (), if so, state the results of the procedure: I ^{was} given an apology from Dr. Burke regarding the major delay in medical as well as the inconvenient assistance in administration.
- F. If you are not an inmate of the Mississippi Department of Corrections, answer the following questions:
1. Did you present the facts relating to your complaint to the administrative or grievance procedure in your institution?
Yes () No ()
 2. State how your claims were presented (written request, verbal request, request for forms):

 3. State the date your claims were presented: _____
 4. State the result of the procedure: _____

STATEMENT OF CLAIM

- III. State here as briefly as possible the facts of your case. Describe how each defendant is involved. Also, include the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. (Use as much space as you need; attach extra sheet if necessary.)

I had become Severly ill due to being heavily exposed to Black Mold for an extensive amount of time (82) days. I repeatedly requested to be removed from cell 208 for atleast 2 consecutive weeks starting from the very first day I was assigned to cell 208. I was also repeatedly neglected and overlooked. Officer Jackson, Grinnell, Wimbley and Fleming were very well aware of me being confined under this health hazardous condition but fail to remedy the situation by not removing me from cell 208, as I repeatedly requested. Also, after I submitted multiple request forms (3 requests). It was 17 days after submitting my 3rd request before I was ever seen by a doctor! I have suffered Severly with illnesses, anxiety, and stress due to being forcefully confined to a health hazardous housing as well as being under a major delay to recieve medical treatment! To this day I still have shortness of breathing. RELIEF

- IV. State what relief you seek from the court. Make no legal arguments. Cite no cases or statutes.

Plaintiff now seeks money damages for negligence on behalf of the ~~well~~ well being of his health as well as inconvenience on behalf of a major delay to recieve medical treatment! I have suffered on behalf of being under these critical circumstances!

Signed this 21 day of April, 20 18

Janicholas Scott # L1786
WCCF P.O. Box 1889 Woodville, MS 39669
Signature of plaintiff, prisoner number and address of plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

April 21, 2018
(Date)

Janicholas Scott
Signature of plaintiff

I, Janicholas V. Scott # L1786 has been conducting an investigation on conditions of confinement against MTC. I have security related documents as well as notarized complaints on standards and policies that this administration has violated upon their own guidelines, policies, and rules. Administrative officials have fail to remedy certain situations on conditions of confinements of wrongful acts that they have common knowlege of. Wrongful acts are repeatedly being held on behalf of security measures and administrative faults. I have records of dates of specific incidents, conditions, procedures, policies and events dating from months ago dealing with this investigation of this particular case. Staff has came into direct contact with certain wrongdoings and have failed to remedy the situations numerous times. **LEGAL** I have become a victim of a Serious physical injury as well as suffered with a health hazardous illness under the circumstances of wrongdoings!

Certificate of Service

State of Mississippi
County of Wilkinson

Personally appeared before me, the undersigned authority in and for said jurisdiction, the within named petitioner, who after being first duly sworn by me, stated under oath that the statements set forth in the above and foregoing are true and correct as herein stated.

Sworn and subscribed before me this the 13 day of April 2018

Janicholas V. Scott # L1786



Rosemary Gatlin
NOTARY PUBLIC

MISSISSIPPI DEPARTMENT OF CORRECTIONS
Administrative Remedy Program

WCCF-18-109

SECOND STEP RESPONSE FORM


You must respond to the inmate within 45 days of receipt of the appeal of the First Step Response.

Inmate's Name & #: **Janicholas Scott #L1786**
Location: **Wilkinson County Correctional Facility**

From: **Dr. Burke**
Title: **Doctor**


*I APOLOGIZE FOR YOU NOT BEING SEEN
FOR "17 DAYS" BUT MEDICAL IS NOT
ALWAYS RESPONSIBLE FOR DELAY IN BEING
SEEN MEDICAL.*

*IT APPEARS THAT YOU WERE TREATED APPROPRIATELY
WHEN SEEN.*

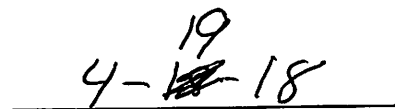

Signature


Date

The above named inmate has fulfilled the requirements of the Administrative Remedy Program at WCCF under extraordinary circumstances and is eligible to seek judicial review in state or federal court within 30 days of receipt of the Second Step Response. Financial responsibility for such filing rests with the inmate.


Inmate's Signature

L1786
DOC #


Date

The reason I hold medical responsible for the delay is because 1 of the 3 medical request forms which I submitted was given directly to a nurse on medical staff. As I said in my complaint, it was 17 days after I submitted my third request before I was ever seen. Therefore, medical was given direct notice of the medical requests. The other two (2) requests were given to an officer directly also. Medical staff has as much common knowledge as the officers did about me requesting to be seen. Also, to be specific, I gave the nurse the medical request on the second request. Of the three that I submitted! So to be realistic it was actually over 17 days that the medical staff had me under delay! They are responsible for delay. MTC officials are responsible for the negligence of the well being of my health by not removing me from the health hazardous living quarters as I repeatedly requested. I became severely ill on behalf of the condition in the situation. Medical is at as much fault as the administrative staff on behalf of me being under major delay!

Janichlas Scott
L1786

April 20, 2018

I arrived at Wilkinson County Correctional Facility to be housed on Dec. 4, 2017. After I was booked in and completed the intake procedure I was assigned to Whiskey Pod Cell 208. After I entered the cell I immediately discovered that the housing unit was in horrible living conditions as well as hazardous health and safety confinement. I immediately discovered that the sink leaks when used, the toilet leaks when flushed, the ceiling leaks when it rains. I also found my rack, which I am assigned to sleep on had been cut with a very sharp object of some type. There was a large section cut out of my bedding rack. About 30%(percent) of my bed was cut out! The cut out section of the rack appeared to be very sharp and deep! I also found the cell to be LEGAL heavily contaminated due to a massive amount of black mold being covered throughout the walls and ceiling of the cell! After I discovered all of these horrible living conditions of confinement, I immediately addressed these issues to these administrative officials here at this facility and I requested to be removed from this type of environment. I continued to address these issues and complaints for atleast 2 consecutive weeks. I also requested to be removed from this housing unit for atleast 2 consecutive weeks as well.... I was continued to be neglected, overlooked, denied and refused the well being of my health and safety. After being housed under these conditions for an extensive period of time, I became very sick and ill. I began to suffer with a sore throat and tonsils as well as a congestion of the lungs, which caused to have an effect on my breathing. I soon found out that this was caused due to being heavily exposed to the Black mold. I became exposed by having to sleep with large black mold spots on the wall right next to where I lay my head, also by patching the ceilings with paper

to try and help prevent the rain water leaks from coming inside the cell. When this was done I had to apply my hands in the mold! This act continued repeatedly until January 18, 2018. On this date there was a cell inspection held by Officer Jackson. As she monitored and inspected cell 208, I addressed to her what I had been addressing to this administrative staff since I first was assigned to cell 208. Which was the living conditions and being removed from the cell. She observed all complaints and conditions and took very little or no care in assisting me in the complaints I was addressing. I also showed her where I had been cut on my back from the rack when I attempted to jump or slide down from the rack. After I was neglected on January 18, 2018 I immediately addressed this complaint to American Civil Liberties Union of Mississippi. I explained to them in my complaint the living conditions which I am being forcefully housed, the negligence of my health and safety, as well as my physical injury and illness I have suffered due to being neglected of my health and safety. I recieved response from ACLU on January 24, 2018. I was declined legal assistance from ACLU but I was reccomended to several other legal services. I was in cell 208 from December 7, 2018 until February 25, 2018. After I was assaulted by my cellmate the night of February 25, 2018 I rapidly kicked the door so that the officers would relieve me from danger. My cellmate was armed with a knife. I informed the officers of this incident and they took very little care of relieving me from danger! They began to try to force me to go back into the cell with this inmate but I refused to do so. But anyways, taking a few days back, I was finally called to be seen by a doctor on February 19, 2018. I put in multiple requests before I was ever seen (3 requests). It took 17 days after my last request before I was called to medical. I was treated with Loratadine 10mg. tablets, Guaifensin 200 mg. tablets and cough drops

for my illness. I was declined treatment for my cut on my back because I had been self treating the cut with triple antibiotic ointment. On February 25, 2018 between 6:00 and 6:45 p.m. shortly after breakfast, I was confronted, assaulted and threatened by 3 inmates. They told me if I was to make any complaint or report or notify the officers about the rack in cell 208 being cut they would kill me! One inmate took my ID and took a picture of it with his cellphone. The inmates were unaware that I had already address these complaints thru ARP. The inmates were making knives from the bedding rack and the officers have common knowlege of the bed being cut! On March 15, 2018 CID from MDO did an inspection. She became aware of many problems that are ongoing here at this facility. On Thursday March 22, 2018 between 5:00 and 6:00 in the morning right before breakfasteime, There were atleast 35-40 officers here at Wilkinson County Correctional Facility. When they came in and performed there procedure they confiscated weapons and cell phones. They also informed the officers that they should have fixed the bedding rack or replaced it. The officers have common knowlege of the rack but still fail to remedy the situation! On April 11, 2018 at 10:45 p.m. maintenance was on W-pod they again went into cell 208 and saw the rack being cut and refuse to address the issue! Surveillance footage will prove of all this dealing with conditions, procedures, incidents, standards and policies. This condition is still ongoing to this date. These records were kept by me during my investigation dealing with several complaints that I have addressed on behalf of wrong doings of this administration.

This report of complaints is to inform this court that there will be multiple complaints that I, Janicholas Vankeith Scott will address to this court. I have become a victim of serious physical injury as well as suffering with a severe illness under the circumstances of wrong doings!

Certificate of Service

State of Mississippi
County of Wilkinson

Personally appeared before me, the undersigned authority in and for said jurisdiction, the within named petitioner, who after being first **LEGAL** duly sworn by me, stated under oath that the statements set forth in the above and foregoing are true and correct as therein stated,

Sworn and subscribed before me this the 26 day of April 2018

Janicholas Scott



Rosemary Gatlin
NOTARY PUBLIC